

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION

DAVE CARDENAS,	)	
	)	
Movant,	)	
	)	Civil Action No.
v.	)	6:20-CV-125-C
	)	6:18-CR-040-01-C
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

Dave Cardenas (“Movant”) has filed a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. Respondent filed its Response on August 17, 2021, and Movant filed a Reply thereto on October 15, 2021.

On May 31, 2019, Movant was sentenced to a total of 121 months in prison and a ten-year term of supervised release after pleading guilty, in accordance with a plea agreement, to one count of possession of prepubescent child pornography, in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2). This is Movant’s first Section 2255 Motion.

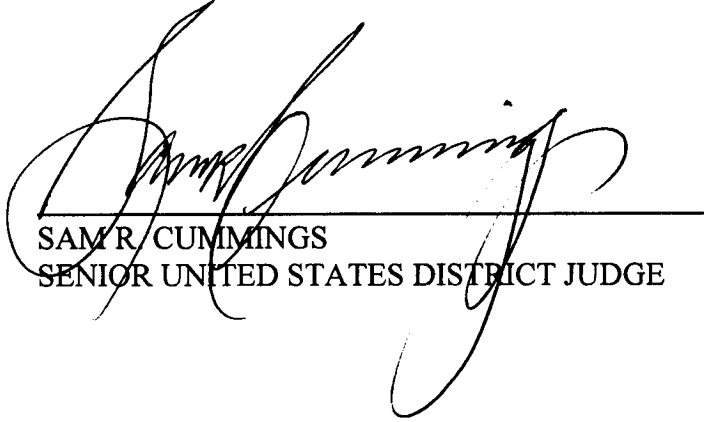
Having considered Movant’s initial Motion and Amended Memorandum, Respondent’s Response, Movant’s Reply, and all relevant records, the Court is of the opinion that Movant’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody should be **DENIED** and **DISMISSED** with prejudice for the reasons stated in Respondent’s thorough and well-drafted Response. All relief not expressly granted is **DENIED**.

Pursuant to Rule 22 of the Federal Rules of Appellate Procedure and 28 U.S.C. § 2253(c), this Court finds that a certificate of appealability is denied. For the reasons set forth herein,

Movant has failed to show that a reasonable jurist would find: (1) this Court's "assessment of the constitutional claims debatable or wrong," or (2) "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

SO ORDERED.

Dated May 4, 2022.



SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE